

**Response by NWBC on the Matters, Issues and Questions
Phase 1, Strategic Matters**

Matter 6 Planning and environmental constraints

6.1 The vision for North Warwickshire in LP paragraph 4.6 includes respecting the rural character of the Borough. The NPPF 2012 sets out that planning should recognise the intrinsic character and beauty of the countryside and seek to protect valued landscapes. Is the North Warwickshire LCA report of August 2010 [CD7/1] an appropriate evidence base for establishing landscape character?

6.1.1 Yes - The North Warwickshire LCA report of August 2010 is considered an appropriate evidence base, which builds on the earlier Warwickshire County Council Landscape Guidelines 1993 (AD27) (The guidelines haven't changed and are still considered broadly compliant with Guidance. They are currently being reviewed, by carrying out landscape assessments at a much smaller – land cover parcel – scale, but are still available online and used at public inquiries) and prepared following the (then current) "Landscape Character Assessment Guidance" published by Natural England in 2002. The Guidance has been updated in October 2014 by Natural England, titled "An Approach to Landscape Character Assessment". This guidance was informed by: the Landscape Character Assessment Guidance for England published in 2002, prepared on behalf of the Countryside Agency and the earlier Landscape guidelines and North Warwickshire LCA are still considered broadly compliant.

6.1.2 Since 2010, the document has been used to inform the approach to development proposals in areas identified as sensitive in landscape terms. The document provides broad area based assessments of Landscape Character Areas in the Borough and more detailed sensitivity assessments of areas immediately adjoining the development boundaries of Main Towns and Local Service Centre settlements in the Borough (Categories 1 to 3b in the Adopted Core Strategy). The document informed the Core Strategy and Site Allocations Plan and notes that it does not "preclude" the potential for development in areas identified as high sensitivity, but seeks appropriate mitigation.

(a) Considered overall, would LP policies including LP14 ‘Landscape’ achieve the LP vision of ensuring that rural character is maintained?

- 6.1.3 It is considered that the LP as a whole is looking to maintain the rural character of the Borough even considering the amount of development being proposed. Whilst Policy LP14 is important other policies such as LP3 and LP5 are also important.
- 6.1.4 The LP policies ensure the rural character is maintained, both in seeking separation from adjoining local authority built development and development pressures. This is through policies LP5, Meaningful Gap (Strategic Gap) between Tamworth and Polesworth and Dordon and Green Belt Policy LP3 as well as Policy LP14 providing guidance on how developments need to address landscape within their identified landscape character areas, maintain landscape features and assets and, through the Landscape Character Assessment, identify appropriate management strategies and mitigation measures that will be needed to accommodate development proposed. This could involve ‘robust structural landscape planting’ at settlement and development proposals edges, without which development could be resisted or considered inappropriate.
- 6.1.5 This approach is reinforced where necessary and appropriate through the site specific policy proposals specifying the need for sensitive mitigation and design in areas of high sensitivity, and for Master Planning where appropriate.

(b) Where are any specific areas of conflict between LP policies?

- 6.1.6 The only areas considered where conflict may arise would be between planning applications received on the site specific proposals that do not satisfy the requirements of the proposal in terms of landscape mitigation measures to address any sensitivity of the site. In such circumstances Policy LP3 and/or LP14 would apply and, in conjunction with policies such as LP16 on the Natural Environment and LP31 for Development Considerations, would ensure any conflict is addressed and, if necessary, result in inappropriate and inadequate development proposals in landscape terms to be resisted. In practice, for the larger strategic sites in the LP this issue will be addressed through the production of Master Plans or Development Briefs that will address the landscape/rural countryside setting and edge treatment needs for these sites. This work is currently underway (See response to 6.5)

supported by Homes England and Historic England to cover their issues raised in their representations.

- 6.1.7 As noted in the response above this approach is reinforced through the Site Specific policy proposals which re-iterate the need for sensitive mitigation and design in areas of high sensitivity, including proposals H2, H7, H10, E2, H13 and H15, including the need for Master Planning where appropriate.

6.2 Is the Coventry & Warwickshire Green Belt Study [CD6/9] robust evidence?

- 6.2.1 Yes the Study is considered to be robust. The Study is a joint, cross border and cross authority study across Coventry City and Warwickshire Authorities that has undergone consultation and has been used as appropriate, robust and up to date evidence in EIP's at Warwick DC Local Plan Inquiry, Rugby Local Plan Inquiry, Nuneaton and Bedworth Inquiry and Coventry Local Plan Local Plan Inquiries. Please note that Rugby and Nuneaton and Bedworth are at Main Modifications Stage, having used this study as part of their evidence. Stratford also has an adopted Local Plan providing housing numbers for both the CW HMA and the GB HMA.

(a) Have appropriate parcels of land been suitably and consistently assessed relative to the purposes of Green Belt set out in paragraph 80 of the NPPF 2012?

- 6.2.2 This shared evidence base forms a coherent, robust and consistent approach across the County Local Authorities and Coventry City in terms of Green Belt assessment against the 5 purposes of Green Belt in paragraph 80 of the 2012 NPPF and the performance of parcels of land against these criteria. The parcels of land in respect of North Warwickshire were focussed on those sites/areas immediately adjoining the current settlements within the Core Strategy Settlement Hierarchy and "Broad Area" parcels between these settlements, an approach taken across the Coventry Warwickshire area in the Joint Study (See Fig 2, CD6/9). In addition the study included some parcels that went into the Green Belt within neighbouring local authorities. For North Warwickshire these are within Birmingham, and include Parcels CW1, CW3 and CW4 between Curdworth, Wishaw (in NWBC) and the Green Belt east of Sutton Coldfield and parcels WO3 and WO4 at Water Orton extending into Birmingham's Green Belt at Castle Bromwich. These parcels can be viewed in Figure 2, page 10 and Figure 3, page 23 and the parcel assessments are contained

in the Appendix 1 to the Main report, (CD6/9 Coventry & Warwickshire Green Belt Study (Appendices), pages 111 for CW1, pg 122 for CW3, pg 129 for CW4, pg 409 for WO3 and pg 416 for WO4. This ensures there is consistency of the assessment of parcels within the Green Belt across local authority boundaries.

(b) Has CD6/9 had suitable regard to any other, subsequent, or wider strategic Green Belt studies? Are its findings consistent with them?

6.2.3 The Joint Green Belt Study was carried out in two stages. The first phase covered Coventry, Rugby, Warwick and Nuneaton and Bedworth. The second phase covered North Warwickshire and Stratford. The two phases followed the same methodology. A method statement was produced during Stage 1 of the study in December 2014 setting out the context of the study, the reasoning and method for identifying the land parcels and broad areas and the assessment criteria to be used in the review of the parcels. The Steering Group for the Green Belt Review Study consulted with neighbouring authorities on the method to be used in this study in the interests of further fulfilling their 'duty to co-operate' under the Localism Act. A three week consultation was undertaken between the 22nd December 2014 and the 12th January 2015.

6.2.4 Twenty two neighbouring authorities were consulted. Four neighbouring authorities provided feedback (West Northamptonshire Joint Planning Unit, Birmingham City Council, Cherwell and South Northants Councils and Lichfield District Council) at Stage 1. The feedback was reviewed and where appropriate taken on board in refining the methodology.

6.2.5 During Stage 2 of the study, the 22 neighbouring authorities were consulted again in January 2016 to give them the opportunity to comment on the parcels and broad areas identified for assessment in Stage 2 of the Study. Two neighbouring authorities provided feedback (Cherwell District Council and Tamworth Borough Council) at Stage 2.

6.2.6 A previous Green Belt study in 2009 for Coventry City Local Plan informed the Joint Study and the June 2015 Phase 1 Joint Study itself provided the basis for the subsequent April 2016 Stage 2 Final Report for North Warwickshire Borough Council and Stratford-on-Avon District Council and the 2018 Assessment of the Value of the

Meaningful Gap and Potential Green Belt Alterations for North Warwickshire (Stage 1 assessed the Green Belt within Coventry City, Nuneaton and Bedworth Borough, Rugby Borough and Warwick District. Stage 2, the subject of this report, assessed the Green Belt within North Warwickshire Borough and Stratford-on-Avon District). This approach maintained a cross border consistency for Green Belt performance assessment and Land Parcel assessments for all the Warwickshire Local Authorities.

- 6.2.7 The use of “cross border” parcels in the Joint Green Belt Study detailed assessment also addresses consistency of approach in dealing with the assessment of the wider Green Belt in adjoining Local Authority areas. In terms of consistency of assessment it is pertinent that the methodology used in the Joint Green Belt Study was considered preferred or best practice sub regionally and subsequently used for Green Belt reviews and updates of older assessments in Tamworth, Lichfield and the Greater Birmingham and South Staffordshire authority areas. Following discussions between local authorities in the Greater Birmingham Housing Market areas under the DtC it was agreed that given the scale and complexity of undertaking a Green Belt review, along with the fact that a number of authorities had already made progress with Green Belt evidence that it would be appropriate for authorities to continue to individually commission/undertake their own Green Belt Reviews but that common principles should be agreed to underpin the methodologies of any such review so that there is a consistent approach across the GBHMA (Latter note taken from Lichfield District Supplementary Green Belt Report November 2016). This will re-inforce the consistency of Green Belt review and assessments across the region.
- 6.2.8 It would not have been possible to accommodate the Greater Birmingham Strategic Growth Study (CD8/23) it was published until February 2018.
- 6.2.9 In addition the two studies (Green Belt Review and GB Growth Study) are not addressing similar issues and scope. The Green Belt Review was specifically looking at the performance of the Green Belt in the Warwickshire/Coventry sub-region in relation to the 5 Green Belt purposes. The Greater Birmingham Strategic Growth Study was addressing the potential for identifying additional supply through increased densities, other land outside of the Green Belt, the potential and suitability of any large previously developed sites within the Green Belt and, should a shortfall remain, undertake a full strategic review of the Green Belt within the HMA (see para 1.4 CD8/23).

(c) Noting LP paragraph 7.14, have exceptional circumstances been demonstrated to justify all alterations to the Green Belt?

6.2.10 The Borough Council considers that the sites proposed for release from the current Warwickshire Green Belt satisfy the very special circumstances required to justify this release, as has already been accepted by the Secretary of State for two of the sites proposed.

6.2.11 The principle alterations to the Green Belt are:

1. the former Power Station B site at Hams Hall;
2. relocation of the primary school at Water Orton with redevelopment of the remaining buildings; and,
3. site to the north of the Langley SUE site, west of the A38.

There are no other sites being proposed for released for development within this Local Plan.

6.2.12 Within the Local Plan there is one area which has been safeguarded for future potential, if required, and will only change through a review of the Local Plan.

6.2.13 Each of the sites is now taken through in turn.

Former Power Station B site at Hams Hall

6.2.14 The Former Power Station B Site at Hams Hall was a brownfield site that has now received planning consent, reference PAP/2016/0399, and is under construction. The site was referred to the Secretary of State but was not called in and who confirmed consent could be issued on the 5th December 2016.

6.2.15 The special circumstances put forward and accepted for releasing the site from the Green Belt for redevelopment included;

- 1) Redevelopment of this site would not conflict with any of the five purposes for including land in the Green Belt and the harm to the Green Belt is very limited. The site is clearly contained by permanent physical features (the Hams Hall Manufacturing and Distribution Park and the railway line) that prevent any

sprawl of the built-up area of Coleshill/Hams Hall into the open countryside to the north and east.

- 2) Given its location and well contained nature, the site also plays no role in maintaining the boundaries between neighbouring settlements or protecting the countryside from encroachment. The site's openness is already compromised by its previously developed nature together with the fact that there are very strong visual and physical links with the surrounding employment park.
- 3) The site does not adjoin or lie in close proximity to a historic town, it plays no role in preserving the setting and special character of historic towns.
- 4) There are no previously developed sites available within the Borough or immediately adjacent urban areas that could accommodate a development of this size in the short term. The site's redevelopment would secure the recycling of a previously developed site on the edge of an existing industrial location.
- 5) The low value of the site to the Green Belt has been independently verified through the Council's own Green Belt Study. In conclusion, the proposed development would result in very limited Green Belt harm.
- 6) The proposed development would help to meet the significant identified demand for new industrial and distribution space thereby supporting the economic growth objectives of the area. The site addresses a severe shortage of supply to meet market demands and a clear lack of alternative strategic sites in the market area that can be brought forward in the short term.

6.2.16 The Submission Local Plan reflects the decision made and seeks the subsequent removal of the site from the Green Belt.

Water Orton Primary School site

6.2.17 The following refers to two sites. The first is the existing school site. Water Orton Primary School is located off Vicarage Road, Water Orton and to the north of the proposed leg from Birmingham to the main line of HS2 Phase 1. The second site, following a search for an alternative site which would be away from railway lines (existing railway lines and the proposed HS2) and would be located close to the village, is the site off Plank Lane. This was chosen as the only feasible option. The

existing school will become vacant once the new school has been built, which is expected to open in autumn 2019.

6.2.18 The very special circumstances considered to warrant the sites being released from the Green Belt include;

- 1) The school site is impacted by the route of the proposed HS2 railway (Birmingham arm of the HS2 Delta Junction), which passes through the site of Water Orton Primary School. It is accepted that this will have a significant impact on the school. The County Council, both on its own behalf and on behalf of the school and the associated early years provider, petitioned for the re-location of the school in accordance with the County Council decision of February 2014.
- 2) An “Additional Provision” to the HS2 Hybrid Bill secured the compulsory acquisition of a new school site and deemed planning permission for the replacement school as well as financial assistance towards cost of relocating the school to the new site, gifting the site to WCC. (See WCC Cabinet meeting Report, April 2015 – Proposed Re-location of Water Orton Primary School (AD30))
- 3) The remaining existing site is part brownfield (school buildings), which can be redeveloped as an exception to the Green Belt restraint, under Paragraph 145 of the NPPF. The remaining remnant playing field is isolated and, once HS2 route has been constructed will be effectively surrounded on 3 sides by development. The HS2 route will form a significant permanent physical feature to the south, preventing further sprawl.
- 4) The site does not adjoin or lie in close proximity to a historic town and plays no role in preserving the setting and special character of a historic town. The site scored/performed around mid-level against the 5 purposes for Green Belt in the Sub Regional Green Belt Study, although this did not address the impact of HS2 and the parcel was of significantly larger area coverage.
- 5) There are no statutory or non-statutory natural or landscape designations applying to or impacting on the site.
- 6) The site would address a significant housing need and pressure in a sustainable service settlement, for both North Warwickshire and the adjoining Birmingham area shortfall. The impact on a National Infrastructure project, HS2, is considered to demonstrate the very special circumstances for the schools relocation and sites redevelopment.

H14, Site at Lindridge Road, adj. Langley SUE, Wishaw

6.2.19 Site H14, land at Lindridge Road will be located adjacent to the Langley SUE, an urban extension in the Birmingham Local Plan.

6.2.20 The very special circumstances considered to warrant the sites release from the Green Belt include;

- 1) a. The site physically forms part and parcel of the Langley Sustainable Urban Extension, finishing the site to the north up to the A38, but lies outside Birmingham City authority. The very special circumstances for the SUE itself on land to the east of Sutton Coldfield, between the A38 corridor and Sutton Coldfield/Birmingham was established as part of the Birmingham City Local Plan and confirmed by the Secretary of State. The very special circumstances that applied to and warranted the release of the Langley SUE in the Birmingham Local Plan, set out in the 'Issue E' in the Birmingham Development Plan, Inspector's Report March 2016, (paragraphs 134 to 174, 194-195 & 214 to 219) (AD28)
- b. The Birmingham Development Plan Inspector noted that "*The scale of potentially unmet need in the city is exceptional, and possibly unique. Without strategic Green Belt release, there are sites for around 46,000 new dwellings – only just over half the objectively-assessed need for 89,000. The release of Green Belt to provide an additional 5,000 dwellings at Langley over the Plan period,...would make a very substantial contribution towards meeting the shortfall....Even with the release of the Langley...sites, the BDP will leave a shortfall of around 38,000 dwellings that will need to be met elsewhere in the Greater Birmingham HMA. The duty to co-operate requires good faith on the part of other authorities in the HMA in helping to meet the shortfall....The release of the Langley....sites is necessary to achieve this. In my view, this combination of factors means that exceptional circumstances exist to justify alterations to the Green Belt boundary in order to allocate the SUE site at Langley*".
- 2) The A38 forms a significant permanent physical feature to the north and east, preventing further sprawl, and wholly isolating this small western remnant of the Green Belt between Sutton Coldfield and the A38 at this location. The

Langley sewage treatment works lies to the west and the Langley SUE allocation to the south, with the A38 as eastern boundary.

- 3) There are no statutory or non-statutory natural or landscape designations applying to or impacting on the site.
- 4) The site does not adjoin or lie in close proximity to a historic town and plays no role in preserving the setting and special character of a historic town.
- 5) It is considered that the very special circumstances that applied to the Langley SUE equally apply to this site, effectively operating as the final northern point of the SUE. The small element of housing this site will deliver will address part of the shortfall the Local Authority is committed to accommodate as part of our Duty to Cooperate with Birmingham City Council in an appropriate, sustainable location. The proposal H14 itself also specifically links the delivery, access and development of the site to the Langley SUE to re-enforce this relationship and links.

(d) Have sustainable patterns of development been considered in the approach taken in the LP?

6.2.21 Yes. The Borough Council consider the approach taken through the settlement hierarchy, focusing development towards the most sustainable settlements in terms of services, facilities and infrastructure, including public transport facilities and services reflects a sustainable pattern of development. (See also responses to Matters 4, Questions 4.1, 4.2, 4.5 & 4.6). The focus of development on the main settlements along the A5 also reflects a sustainable pattern utilising and maximising access to sustainable forms of transport, bus and rail (bus route established between MIRA and main settlements, Atherstone/Polesworth/Dordon and improvements in rail services via Atherstone station).

(e) Is safeguarding of land west of Tamworth Road, Kingsbury, for potential future development suitably justified, including being necessary to meet longer-term development needs well beyond 2033?

6.2.22 The Borough Council consider the safeguarding of land north of Kingsbury reasonable and justified in view of the continuing pressure and demand for housing arising from the Birmingham Shortfall, the Duty to Cooperate requirements on adjoining authorities to consider options to address this shortfall and that arising from

Tamworth's needs in the future, the opportunity this site provides in view of the likely impact from HS2 phase 2b route and the lower performance assessment (in terms of performance against Green Belt purposes) of this land assessed identified in the Green Belt review (CD6/9). The sustainability of Kingsbury as a local service centre in the settlement hierarchy also helps support and justify this long term opportunity, especially in light of the new station proposal (Policy LP26), along a direct commuting rail link between Tamworth and Birmingham. The continued pressure on land availability outside of the Green Belt, the scale of significant allocations already committed along the A5 and in local service centre settlements outside of the Green Belt highlights the need to have options to consider for addressing future needs while minimising impact on the Green Belt. This is considered positive and proactive approach and justification for highlighting this future opportunity through safeguarding.

6.2.23 It should be noted that the exact line and extent of the land take of HS2 Phase 2b and any resulting defensible boundary has not yet been determined. There is therefore justification for safeguarding the land, not for allocation at this moment in time. This is reflected also in the Local Plan referring to future growth in paragraph 6.20, which 'recognises that the pressure for growth will extend beyond 2033 and that this needs to be considered at an early stage'. To go beyond what the Plan currently safeguards is considered inappropriate as the scale of growth required is unknown at present.

6.2.24 The Borough Council however feels if the Inspector considers it is not appropriate to safeguard the site then it would accept reinstating the Green Belt designation and will on the review of the Local Plan look at all sites comprehensively to assess sites again against the purposes of the Green Belt and their potential for development. By this stage the full extent of the safeguarded route will be known for HS2 Phase 2b. The Borough Council would refer to Plan paragraph 6.20 where the Plan recognises future growth and provides a review mechanism that addresses this issue comprehensively and, (if growth requires) under paragraph 1.8 the Borough Council would then review the Plan, addressing all options including a 'new settlement'.

6.3 Noting the interaction with matter 4, have alternatives to release of Green Belt sites been considered, including the capacity of existing urban areas?

6.3.1 Yes. Following the Green Belt review (CD6/9) and assessment of land parcels around Green Belt settlements, an “Assessment of the Value of the Meaningful Gap and Potential Green Belt Alterations Jan 2018” was produced (CD6/10). The study reviewed the existing Green Belt around settlements (within the settlement hierarchy) and recommended opportunities for release of Green Belt through changes to the Green Belt Boundary (See Chapter 5). The study also looked at the opportunity for extending the Green Belt north towards the A5. A number of small sites and minor amendments to Green Belt boundaries around the smaller Green Belt settlements were proposed. However, in view of the availability of land outside the Green Belt, sufficient to address the Borough’s OAHN and Coventry/Tamworth and Birmingham shortfalls it was felt there were insufficient very special circumstances to warrant release at this time.

6.3.2 The capacity of urban areas is considered to be limited particularly in Green Belt settlements, due to the past pressure for development. Fewer sites have been identified as available either through the SHLAA or internal analysis of available public sector land that has been undertaken. The detailed analysis of Urban Capacity was last undertaken in 2005 for the 2006 Local Plan and highlighted a limited constrained capacity. Much of this has subsequently been developed with only a few constrained pdl sites remaining, affected by access, heritage or other issues from easily coming forward. The size and scale of the Borough’s housing need, notwithstanding the additional shortfall from adjoining authorities, clearly indicates there is insufficient capacity within the Borough’s existing built area to accommodate and address the need and requires the serious consideration of significant sites outside the current settlement development boundaries. A Brownfield Register is currently also being prepared and initial findings indicate a very limited supply of suitable pdl sites for residential use. All those identified with residential potential are already proposed allocations or benefit from planning permission.

6.4 Whilst consideration of individual sites will fall to matter 9, is the broad extent of the Meaningful Gap robustly evidenced [CD6/10], and the intended application of associated policy LP5 justified? How does the purpose of the Meaningful Gap differ to that of the Green Belt?

- 6.4.1 The area covered by the broad extent of the Meaningful Gap (Submission Plan) and land south of the A5 around the small settlement of Freasley bordered by the M42 has had a long Local plan history. The area was originally designated as an “Area of Constraint” in the 1995 Local Plan a local landscape designation carried forward into the initial 2006 Local Plan and formulated to ensure that the extent of open land separating the developed areas of Tamworth and Polesworth/Dordon is not reduced. The Warwickshire Structure Plan (WASP)(AD18) encouraged the inclusion in Local Plans of such areas and to assign strategic significance to them once designated. The main purpose of designating “Areas of Restraint” is to provide long-term protection for key areas of open land within or adjacent to towns with a view to balancing the impact of “town cramming” deriving from policies of urban concentration. However, the PPS7 at the time discouraged landscape local designations unless it can be clearly shown that criteria-based planning policies cannot provide the necessary protection and the Inspector considered there was sufficient evidence to indicate current general countryside restraint policies were sufficient to control development in this gap. As a result it was felt there was no need to include the Area of Restraint as a local designation within the 2006 Local Plan.
- 6.4.2 Subsequently, with a relaxation in countryside restraint policies through increasing pressure for development and changes to National Guidance in NPPF 2012, this issue was revisited through the Core Strategy Inquiry in 2014. A new policy criteria in Policy NW19 for retention of a “Meaningful Gap” was introduced enabling options to be explored through the future Site Allocations DPD (which developed into current Submission Plan 2018) taking into account the need to maintain a gap and landscape considerations. This Inspectors Report (AD19) and Main Modifications noted that *“Any development to the west of Polesworth & Dordon must respect the separate identities of Polesworth and Dordon and Tamworth and maintain a meaningful gap between them”*.
- 6.4.3 In early 2015, NWBC completed a study and report to assess and define a ‘Meaningful Gap’, designed to protect the integrity of Polesworth and Dordon and prevent coalescence with Tamworth. The report “The Meaningful Gap Assessment (August 2015)” was considered at the LDF Sub Committee on 21 January 2015. This study and report was consulted on between 29th January and 15th March 2015 and the comments were reported back to the Planning & Development Board on 15th

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June 2015 and LDF Sub-committee on 14th July 2015, with any recommendations for amendments to the gap included. It was also assessed again by LUC (CD6/10) to assess the robustness of the work and to consider the gap. The outcome was to support the Borough Council in the general as well as the specific extent of the gap and adopt the extent of the area for the purposes of Development Control.

6.4.4 The purpose of the policy is to maintain a sense of separation between the urban areas of Tamworth to the west and Polesworth and Dordon to the east. It is not Green Belt. Development has been allowed which does not impact on the gap between Tamworth and Polesworth and Dordon. Although this separation purpose relates closely to one of the main 5 purposes of Green Belt, “to prevent neighbouring towns merging into one another”, the area did not necessarily relate to or perform specifically well in terms of the other 4 purposes of Green Belt (para 134 NPPF July 2018).

6.4.5 The Meaningful Gap Review reinforces the strategic gap purpose and to help clarify the principle purpose the Borough Council would like to recommend the following suggested modification (taken from para 6.9 of CD6/10), to change reference from Meaningful Gap to Strategic Gap in the LP’s reasoned justification paragraphs 7.29 to 7.32 and the wording of the Policy LP5 to reflect the changed term also. Due to the separation of the Gap from its original southern connection to the Green Belt (south of settlement of Freasley) following an employment land appeal at Junction 10 of the M42, south of the A5, it is unlikely it could be designated as Green Belt, as this would comprise an isolated “outlier” of Green Belt with no direct link or relationship with the remaining Green Belt further south.

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
7	7.29 to 7.32	<i>Replace the term “Meaningful Gap” with the clearer term “Strategic Gap</i>	<i>Main Mod</i>	<i>For clarification purposes</i>
7	Policy LP5	<i>Replace the term “Meaningful Gap” in the Policy Title and text with the clearer term “Strategic Gap</i>	<i>Main Mod</i>	<i>For clarification purposes</i>

6.5 Is the LP based on robust evidence related to heritage, and does it set out an appropriate and positive strategy for the conservation and enjoyment of the historic environment including related to the canal system (chiefly policy LP15)?

6.5.1 Historic England comments are site specific. Their concerns are being addressed through additional work that has been commissioned with LUC. The Borough Council have undertaken detailed HEA's on the allocated sites and reasonable alternatives that provides the evidence related to heritage, the assets, statutory and non-statutory features that are supported and conserved by the requirements in Policy LP15.

6.5.2 Noting in particular examination documents CD8/11, CD8/12, CD7/3, CD7/4, CD1/2 and the representations of Historic England (SLP341), the Lichfield Branch of the Inland Waterways Association (SLP9) and the North Warwickshire Heritage Forum (SLP31), the implications of development on heritage assets such as the canal system, particularly to the north west of Atherstone, it is considered that they are to be addressed both by Policy LP15 and by specific criteria and requirements within specific strategic site policies such as H2. The requirement for Master Plans and/or Development Briefs, address the need to consider the significance and setting of heritage assets, the opportunity heritage assets such as the canal can contribute towards Green Infrastructure corridors and sustainable access routes are an integral part of the policies H2 and set out an appropriate and positive strategy for the conservation and enjoyment of the historic environment. Any remaining concerns highlighted in Historic England's representations are currently being addressed by the additional study/work (AD1) underway and indicate the Borough is working towards dealing with the issue. The work is expected to be received in early September. Discussions will take place with Historic England once the work has been received to discuss any modifications to the LP that may be necessary.

6.6 Is the LP based on appropriate evidence and consistent with elements of the NPPF related to meeting the challenge of climate change, flooding and coastal change?

6.6.1 With particular regard to the Strategic Flood Risk Assessment ('SFRA')(CD8/2) and to the position of the Environment Agency (SLP302) the Plan addresses the potential

impact of development on flooding by specifically avoiding, where possible, allocating development within the flood zones 2 and 3. For sites H1, H2 and H3 that are, to some limited extent impacted by flood zones to require level 2 Flood Risk Assessments (FRA2) to be undertaken prior to any development coming forward and to focus any at risk development to be located outside of the relevant Flood zones 2 and 3. The net developable areas within the site specific policies enable the Council to accommodate the limited areas impacted by Flood Zone 3, incorporating uses such as open space, areas for enhanced natural habitats/environment, landscaping and recreation with the exact boundaries for accommodating development to be agreed in negotiation with the Environment Agency and the provision of an FRA level 2. This is normally provided at planning application stage.

- 6.6.2 Coastal change is not considered relevant to the Borough, given the distances between the development proposed and the Coastline, the LP requirements for development to address their surface water impacts in a sustainable manner before impacting on main rivers, surface water drains, flooding and main river flooding zones before any remaining surface water outflows impact on main river flows and subsequently to the coast.
- 6.6.3 In terms of the challenges of climate change and in particular flooding the Borough Council would point to the work undertaken through the Joint SFRA and the Joint Water Cycle Study (CD8/2, CD8/5 & CD8/5a). None of these documents highlighted any show stoppers that would prevent development coming forward. As noted above the boundaries of the Local Plan site proposals specifically avoid bringing development into the flood zones wherever possible. The initial site areas for the allocations in Atherstone, along Holly Lane were drawn to lie outside flood zones 2 and 3. However, once a planning application was submitted negotiations between the developer and the Environment Agency resulted in a revised Flood Zone 3 boundary, which was subsequently used as the boundary for the final strategic site proposals, H1 and H2. The other site allocation impacted partly by flood zone 2 and 3 is H3 on the Atherstone football ground site, which has had a site specific FRA Level 1 undertaken to assess the level of risk, that is now completed and is attached as Appendix A to this Response. This site proposal specifically requires a Level 2 FRA to address potential flooding issues. In all other site proposals the boundaries are drawn to wholly avoid development within flood zones 2 and 3. The circumstances applying to Atherstone are caused by the constraints the town is

affected by, with significant flood zones stretching from the east to north west along the River Anker, the presence of Scheduled Monuments to the east and south east and the historic parks and gardens along the southern boundary, limiting the opportunity for allocating significant development to the north west alongside the River Anker and flood plains.

6.6.4 The settlement hierarchy and focus of allocations on the main towns and local service centres also address the issue of climate change, maximising opportunity to use public transport or more sustainable transport (walking/cycling) to access services and facilities. Specific Plan Policies address climate change including Policy LP29 encouraging Walking and Cycling, Policy LP31 on Development Considerations requiring development to address and manage the impacts of climate change, including air quality and the use of Sustainable Urban Drainage systems, ensuring no net loss of flood storage capacity. Policy LP35 on Water Management also encourages use of SUDs, natural flood management and addresses development in Flood Zone 3 areas and LP37 on Renewable Energy and Energy Efficiency also address other issues and impacts of climate change. The Plan Policy LP36 on Parking requires all developments to provide electric vehicle charging points to support and encourage use of cleaner more sustainable vehicles.

6.6.5 The Council are also involved in the joint Warwickshire/Coventry authorities' provision of a Draft SPD on Air Quality designed to support measures to mitigate against and improve air quality impacts on new developments. This SPD will help inform Policy LP31 Development Considerations and LP25 on Transport assessments required by development and is currently in final draft form, dated June 2018 if required. The Borough Council is also involved in the Joint work on the development of an Electric Vehicle Charging Infrastructure Strategy, underway at the County Council that will complement and inform Plan Policy LP36 noted above.

6.7 In addition to consideration of the HRA and SA in matters 2 and 4, is the approach in the LP, policies LP16, LP17, LP18 and LP19 in particular, to protecting and enhancing biodiversity justified and consistent with national policy?

6.7.1 Representors have raised, in particular, the accuracy of reference to the Cannock Chase Special Area of Conservation and Alvecote Pools Site of Special Scientific

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Interest, and consistency of LP16 with the wording of the NPPF 2012 (SLP110, SLP314, SLP435). However, Natural England’s response confirms and agrees with the Plan’s HRSA in that there is no adverse effect on the integrity of the Cannock Extension Canal SAC or Ensors Pool SAC.

6.7.2 The policies in the Plan have been drafted and developed in consultation with the ecologists and environment team at Warwickshire County Council, representatives of Warwickshire Wildlife Trust and Natural England. They are considered to be justified and consistent with national policy as noted in Chapter 11, para 109 of the Mar 2012 NPPF and subsequent review, NPPF Chapter 15 in July 2018. The plan and site specific policies seek to avoid development impacting on statutory sites of natural environmental importance through exclusion of development in those areas, the use of buffer zones (where sites adjoin or contain designated areas) and incorporating high value biodiversity features as part of any development proposal to help protect neighbouring designated sites for nature conservation via the appropriate use of semi natural buffers, (e.g. Site Proposals H13 and H15). Where statutory or non-statutory designations lie within development proposals the LP seeks to utilise and protect these areas through incorporating them into the Green Infrastructure network, maintaining natural, green links and seeking their active management to maintain and enhance their biodiversity. Where appropriate this is required as a specific requirement or criteria in the strategic site proposals in the Plan and/or to be an integral part of the required Master Plan/Development Briefs required for these sites (for example see Proposals H7 and H13).

6.7 The Borough Council notes the specific concern of Natural England in SLP314, regarding the proximity of the H13 site to the Alvecote Pools SSSI. The site proposal already includes reference to addressing the potential impact on Alvecote Wood and Alvecote Priory and the Borough Council is happy to add reference to the Alvecote Pools as a Modification to the proposal as well, to address this concern. It is not considered necessary to cross reference other policies of the plan within the proposal as the LP is to be considered as a whole and read as such, so other policies would apply unless specifically excluded in the proposal text or requirements.

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or</i>	<i>Reason</i>
14	14.53	Add “Alvecote Pools SSSI” to 2nd sentence of paragraph 14.53	Main Mod	For clarification

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				<i>purposes</i>
14	Proposal H13	<i>Add "Alvecote Pools SSSI" to Proposal H13, in 6th bullet point as follows; "the provision of a significant landscaped buffer along the site boundary with Robey's Lane with particular attention given to the proximity with, and potential impact on, Alvecote Woodland, Alvecote Priory, and Alvecote Pools, respectively an ancient woodland, and scheduled monument and Site of Special Scientific Interest.</i>	<i>Main Mod</i>	<i>For clarification purposes</i>

6.8 Is policy LP20, Green Spaces, appropriately justified and effective?

6.8.1 The Borough Council consider Policy LP20 on Green Spaces to be justified and effective. The majority of the sites identified are in public or community control and/or ownership, along with areas in private ownership that have previously been identified through Local Plan process, PPG17 Audits and more recently review through the Green Space Strategies as providing relief from built form and/or contributing to the quality, character and appearance of the area. Given the pressures from development and the pressures for Local Authorities to release land currently not required or operating for a specific use it is considered appropriate and justified to identify these valued green spaces and provide some protection and restraint to their loss and/or redevelopment.

6.9 How have planning and environmental constraints affected the level and distribution of development that the LP proposes to enable? Is the evidence for that balancing exercise clear and robust?

6.9.1 A number of planning and environmental constraints have affected the distribution of development with the Green Belt being the most significant constraint applying. The focus of development in the settlement hierarchy on those settlements outside the Green Belt (given the availability of sufficient land to address development needs outside of the Green Belt) is one of the more obvious examples of constraints affecting development distribution. This evidence is clear in the SHLAA (CD8/17)

- 6.9.2 The LP site proposals have also specifically addressed the planning and environmental constraints identified in the various evidence base documents. Where constraints have been identified such as landscape sensitivity or natural environment designations the allocation proposals have included criteria to address these issues.
- 6.9.3 The Plan indicates how the environmental and planning constraints have affected the distribution and level of development through the Spatial Portrait in Chapter 2 on pages 8 to 12 and in Chapter 7 on pages 23 to 35. The settlement hierarchy clearly provides the framework of sustainable settlements towards which development is focused, with the highest levels of development predominantly targeted at the larger main towns and service settlements.
- 6.9.4 Yes. Within this hierarchy planning constraints such as the Green Belt, the 'Meaningful Gap' strategic gap, statutory designated areas such as scheduled monument status, designated historic parks and gardens, and Environmental constraints such as flood zones, SSSI's, areas of ancient woodland have influenced the distribution of development in the Borough. In Atherstone this has meant the focus of development has been directed to the North West where the availability of land outside the Anker floodplain, less affected by the historic assets and scheduled monument designations to the south and east is predominantly located. In Polesworth and Dordon, the need to avoid impact of development into the strategic Meaningful Gap between Tamworth and Polesworth/Dordon, the presence of a major national transport proposal in HS2 phase 2b to the west of Polesworth/Dordon, has meant the distribution of major development at one of the Borough's main towns has been focussed towards available land either immediately adjoining Tamworth but outside of the strategic, Meaningful Gap, or to the east of Polesworth/Dordon, whilst having policies and site specific proposals (H7 and H13) that address the presence of natural designations and assets within or adjoining those areas and allocations. The evidence base provided by the Strategic Flood Risk assessments, the Historic Environment Assessments and ecological evidence through the Habitat Biodiversity Audit and statutory and non-statutory natural designations and the impact they have had on the distribution of development in the plan is considered to be clear and robust and noted in the Plan.
- 6.9.5 Similarly the significant area of constraint created by the Green Belt has inevitably resulted in the majority of development being directed to those relevant settlements

in the settlement hierarchy that lies outside of the Green Belt, where there is available land identified and sought for development opportunity through the relevant SHLAA documents. The level of development directed to those settlements within the Green Belt is inevitably constrained, both by the Green Belt boundary and the availability (or lack of) sites within the settlements current development boundary/area. This is evidenced through the Green Belt review and how the overall good performance of the Green Belt, as well as the availability of developable land outside the Green Belt, has influenced the level and distribution of development in the Plan.

6.9.6 Notwithstanding the points raised above, it is noted that the adopted Core Strategy included a clear diagrammatical image of the Borough’s development constraints, identifying the planning and environmental constraints applying to the Borough and their relationship with the settlement hierarchy and development distribution. To help clarify the relationship with, and distributional effect these constraints have on the current Plan it is suggested a Modification be proposed to re-introduce a “Development Constraints” diagram into the Plan, either within Chapter 2 or more appropriately in Chapter 7, to provide a clear spatial, diagrammatical and visual expression of how applying an assessment and balance between the needs of development and the constraints applying to the Borough has shaped and affected the level and distribution of development within the Borough. The Map could be initially based on the current Proposals Map but retaining only the planning and environmental constraints along with the settlements from the settlement hierarchy and their associated development site proposals for employment and housing, in a diagrammatical format similar to the current adopted Core Strategy Development Constraints diagram on page 10 of the Core Strategy.

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or</i>	<i>Reason</i>
7	After 7.55	<i>Add a “Development Constraints Diagram” at the end of Chapter 7 with any necessary reasoned justification to the Plan</i>	<i>Main Mod</i>	<i>For clarification purposes</i>

Level 1 Flood Risk Assessment - Football Ground North West of Atherstone

Saved as a separate document